

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-199-C - ORDER NO. 2008-641  
SEPTEMBER 24, 2008

|        |   |   |                     |
|--------|---|---|---------------------|
| IN RE: | Application of Clertech.com, Inc. for a     | ) | ORDER DISMISSING    |
|        | Certificate of Public Convenience and       | ) | APPLICATION WITHOUT |
|        | Necessity to Provide Facilities-Based Local | ) | PREJUDICE           |
|        | Exchange and Resold Long Distance           | ) |                     |
|        | Telecommunications Services and for         | ) |                     |
|        | Flexible Regulation of Its Local Exchange   | ) |                     |
|        | Services and Alternative Regulation of Its  | ) |                     |
|        | Long Distance Offerings                     | ) |                     |

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of the Hearing Examiner to dismiss the Application of Clertech.com, Inc. (“Clertech” or “the Company”) without prejudice for failure to obtain an attorney to represent it at the scheduled hearing on the matter. A Hearing Examiner was duly appointed to hear this case by Order No. 2008-411.

Clertech’s Application was filed with this Commission on May 15, 2008. After granting an extension for the Company to prefile testimony and exhibits in the case, the Hearing Examiner set Monday, September 8, 2008, as a date for hearing on the Application. Prior to this date, it was duly noted that no attorney had made an appearance on behalf of Clertech. 26 S.C. Code Ann. Regs. 103-804 (T)(1)(a) and (b) hold that an individual may represent himself or herself in any proceeding before the Commission. The regulation then goes on to discuss the fact that an attorney may represent a party in any proceeding before the Commission. The import of the regulation is that only an

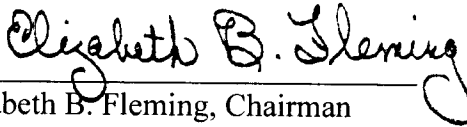
individual may be self-represented before the Commission. Other parties, including incorporated entities such as Clertech, must be represented before the Commission by an attorney authorized to practice law in the State of South Carolina, in the absence of an approved regulation allowing other representation. See In Re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, 309 S.C. 304, 422 S.E. 2d 123 (1992).

Accordingly, the Hearing Examiner sent a letter on August 12, 2008, outlining the requirement that the Company must obtain an attorney licensed to practice in South Carolina to represent it at the hearing on September 8, 2008. The letter gave the Company until 4:45 PM on Wednesday, August 27, 2008, to have an attorney file an appearance with the Commission, or the Hearing Examiner would recommend dismissal of the Company's Application. No such appearance was filed.

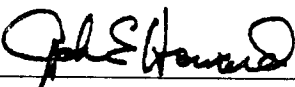
Accordingly, the Hearing Examiner now recommends dismissal of the Company's Application for failure to obtain an attorney to represent it. We agree with the recommendation and hereby dismiss the Application without prejudice. The law requires attorney representation of the Company before the Commission. Should the Company retain an attorney in the future, it may once again file an Application for our consideration.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)